

## ORDINANCE NO. \_\_\_\_\_

1 AN ORDINANCE amending Section 26.11.039 of the Lincoln Municipal Code to  
2 add an additional method to guarantee installation of improvements within a final plat; and  
3 repealing Section 26.11.039 of the Lincoln Municipal Code as hitherto existing.

4 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

5 Section 1. That Section 26.11.039 of the Lincoln Municipal Code be amended  
6 to read as follows:

7 **26.11.039 Requisites for Final Plat Approval.**

8 Before any final plat may be approved, provisions for the installation of the minimum  
9 improvements set out in Chapter 26.27 shall be made in one of the following manners:

10 (a) Improvements have been installed and approved. This is the only method avail-  
11 able for community wastewater systems and community water systems.

12 (b) Petitions for assessment districts and if necessary formal petitions with required  
13 signatures, have been filed with the Planning Director. Such assessment districts may be  
14 created for public improvements within the corporate limits of the city at the sole option of the  
15 city, and shall be used for only the completion of street paving, public water systems, public  
16 wastewater systems, and street lighting. Provided, however, the approved final plat shall not  
17 be recorded in the office of the Register of Deeds until the city has created all such petitioned  
18 assessment districts.

19 (c) A bond, escrow, or security agreement approved by the City Law Department has  
20 been furnished in an amount sufficient to guarantee the installation of the required

1 improvements or an executive order has been issued by the Mayor authorizing the construction  
2 of the improvements.

3 (d) An agreement is signed by the subdivider guaranteeing that the improvement is  
4 completed within a time specified by the city. However, this alternative is available only for  
5 individual wastewater systems, individual water well systems, and the completion of land  
6 preparation.

7 Prior to the approval of the final plat, the appropriate city department shall estimate the  
8 cost of completing the improvements. The amount of the bonds or escrow or security  
9 agreement shall be established by the city and may be increased or decreased according to  
10 current conditions. If the amount of the bond or escrow or security agreement is less than the  
11 actual cost of the installation of the improvements, the subdivider shall be responsible for the  
12 payment of any such additional costs of the improvements. No surety bond or other security  
13 shall be accepted unless:

14 (1) It is enforceable by or payable to the city;

15 (2) It provides that any extension of time, change, alteration, or addition, which  
16 may be approved by the city for construction or completion of the improvement for which the  
17 bond is given, shall in no manner affect or relieve the obligation of the surety, regardless of  
18 whether or not the surety is given notice of any such extension of time, change, alteration, or  
19 addition;

20 (3) It cannot be terminated without written authorization of the Mayor;

21 (4) It is written by a corporate surety company authorized to do business in  
22 the State of Nebraska, or approved security deposits have been made to an institution licensed  
23 to do business in the State of Nebraska; and

24 (5) It is a form with surety and conditions approved by the City Attorney.

1                   Section 2. That Section 26.11.039 of the Lincoln Municipal Code as hitherto  
2 existing be and the same is hereby repealed.

3                   Section 3. That this ordinance shall take effect and be in force from and after its  
4 passage and publication according to law.

Introduced by:

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Approved as to Form & Legality:

\_\_\_\_\_  
City Attorney

Staff Review Completed:

\_\_\_\_\_  
Administrative Assistant

Approved this \_\_\_\_ day of \_\_\_\_\_,  
2002:

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**Mayor**